



April 5, 2016

Mr. Jason D. Boffey  
Moye, O'Brien, Pickert & Dillon, LLP  
800 South Orlando Avenue  
Maitland, FL 32751

Dear Mr. Boffey:

This is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA-2016-000167), submitted on November 17, 2015, in which you requested the following:

- REQUEST FOR PRODUCTION NO. 1: All DOCUMENTS RELATING TO the I-405 PROJECT.
- REQUEST FOR PRODUCTION NO. 2: All DOCUMENTS that reflect or contain any communications between YOU and any PERSON RELATING TO the I-405 PROJECT, including any of YOUR internal communications, any communications with any third party, and any governmental or nongovernmental entities.
- REQUEST FOR PRODUCTION NO.3: All DOCUMENTS RELATING TO any contracts or agreements RELATING TO the I-405 PROJECT, including any drafts of any contracts or agreements and any contracts or agreements that YOU did not finally execute.
- REQUEST FOR PRODUCTION NO. 4: All DOCUMENTS RELATING TO the conceptual planning for, planning for, development of, preliminary design of, design of, funding of, permits or approvals for, approval of, programming of, procurement of, or construction of the I-405 PROJECT.
- REQUEST FOR PRODUCTION NO. 5: All DOCUMENTS RELATING TO any proposed or actual schedule or time for, or proposed or actual cost or expense of, the design, development or construction of any portion of the I-405 PROJECT, including work involving or relating to any UTILITY.
- REQUEST FOR PRODUCTION NO. 6: All DOCUMENTS RELATING TO the right-of-way for the I-405 PROJECT, including any DOCUMENTS RELATING TO discussion, planning, negotiation and/or execution of any parcel access, parcel acquisition, right-of-way access, right-of-way acquisition, easement access, easement acquisition, and time for delivery of access to the right-of-way to KIEWIT for the I-405 PROJECT.
- REQUEST FOR PRODUCTION NO. 7: All finalized or draft versions of contracts, cooperative agreements, or other agreements between YOU and any PERSON RELATING TO the I-405 PROJECT, including agreements with private land owners, agreements with UTILITY owners or operators, agreements with local governments,

LACMTA, CALTRANS, or any engineer, architect, consultant, subconsultant, or any other PERSON regarding the same.

Due to the voluminous records requested, the duration for search and review of all documents has required an extended period of time. After receiving the initial FOIA Request, it was agreed over the course of telephone conversations and email correspondence between yourself, GSA Region 9 FOIA Officer Gene Dea, and GSA Region 9 Assistant Regional Counsel Keaton Norquist, that GSA would provide a "rolling release" of the requested records. This is the second and final phase of the "rolling release." The first phase released records in response to your Request No. 2. This phase includes records that are responsive to your remaining requests. In a prior phone conversation, you stated that Request No. 1 was intended to be a catch-all, and that it would be satisfied by GSA's responses to your subsequent requests. Similarly, GSA considers Request No. 3 to be a catch-all that is satisfied by its response to Request No. 7. Please see below. In addition, you agreed in prior correspondence to exclude from your request any documents on Kiewit letterhead that include no alterations or handwritten notes. These records have accordingly been excluded from GSA's response.

#### Included Records

Enclosed please find the records responsive to your request as follows, with redactions as noted.

#### REQUEST FOR PRODUCTION NO. 1: All DOCUMENTS RELATING TO the I-405 PROJECT.

See responsive records for subsequent requests.

REQUEST FOR PRODUCTION NO. 3: All DOCUMENTS RELATING TO any contracts or agreements RELATING TO the I-405 PROJECT, including any drafts of any contracts or agreements and any contracts or agreements that YOU did not finally execute.

See responsive records for Request No. 7.

REQUEST FOR PRODUCTION NO. 4: All DOCUMENTS RELATING TO the conceptual planning for, planning for, development of, preliminary design of, design of, funding of, permits or approvals for, approval of, programming of, procurement of, or construction of the I-405 PROJECT.

#### GSA Level 1 Meeting Minutes-Final dated March 9, 2012– (b)(7)(F)

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

#### LACMTA/GSA "Kick-off Meeting Agenda dated February 14, 2011 - (b)(6), (b)(7)(F)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

Project #6 - Meeting Minutes (notes) – (b)(7)(F)

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

TGR Vibration Monitoring Report dated June 12, 2012 - (b)(6), (b)(7)(F)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

Earth Mechanics Foundation Report dated November 23, 2009 - (b)(7)(F)

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

Coffey Environments Air Monitoring Services dated July 18, 2011 - (b)(6), (b)(7)(F)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

CCI Air Monitoring Report dated June 14, 2012 - (b)(6)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

Morgner Construction Management dated January 21, 2011 - (b)(6)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

Kiewit Project Meeting Sign-in Sheets - (b)(6)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

Metro/Caltrans Construction Notice

Full Release

Metro/Caltrans I-405 Fact Sheet

Full Release

Caltrans Fall 2006 I-405 HOV Newsletter

Full Release

Caltrans Fact Sheet

Full Release

Picture of I-405 Model

Full Release

REQUEST FOR PRODUCTION NO. 5: All DOCUMENTS RELATING TO any proposed or actual schedule or time for, or proposed or actual cost or expense of, the design, development or construction of any portion of the I-405 PROJECT, including work involving or relating to any UTILITY.

Acceptance of FHWA RWA dated June 3, 2011 - (b)(7)(F)

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public

Interagency Agreement dated May 27, 2011 – (b)(4), (b)(5), (b)(6), (b)(7)(F)

GSA has redacted information related to Tax Identification or Account Information under Exemption 4, which protects confidential commercial and financial information.

GSA has redacted information related to “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” This information is considered pre-decisional information that is exempt from disclosure under FOIA Exemption (b)(5).

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

Reimbursable Work Authorization signed dated May 26, 2011 – (b)(4), (b)(6), (b)(7)(F)  
GSA has redacted information related to Tax Identification or Account Information under Exemption 4, which protects confidential commercial and financial information.

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

Reimbursable Work Authorization Documents dated May 31, 2011 – (b)(4), (b)(5), (b)(6), (b)(7)(F)

GSA has redacted information related to unit pricing, quantities, subtotals, and Tax Identification or Account Information under Exemption 4 which prohibits the disclosure of content that would reveal commercial or financial information which is privileged or confidential.

GSA has redacted information related to “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” This information is considered pre-decisional information that is exempt from disclosure under FOIA Exemption (b)(5).

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

REQUEST FOR PRODUCTION NO. 6: All DOCUMENTS RELATING TO the right-of-way for the I-405 PROJECT, including any DOCUMENTS RELATING TO discussion, planning, negotiation and/or execution of any parcel access, parcel acquisition, right-of-way access, right-of-way acquisition, easement access, easement acquisition, and time for delivery of access to the right-of-way to KIEWIT for the I-405 PROJECT.

June 2014 extension agreement dated June 30, 2014 – (b)(6)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

TCE-MOU Extension GSA dated June 26, 2014 – (b)(6)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

MOU Extension Letter dated January 6, 2014 – (b)(6)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

Temporary Construction Easement Extension Executed dated December 30, 2014 – (b)(6)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

Temporary Construction Easement Signed dated October 31, 2011- (b)(6), (b)(7)(F)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

Notice To Proceed #1 Signed dated November 14, 2011- (b)(6), (b)(7)(F)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

Notice To Proceed #2 Signed dated June 4, 2012 - (b)(6), (b)(7)(F)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

Temporary Construction Easement- Memorandum of Understanding Extension dated July 7, 2014 – (b)(6)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

Metro Temporary Construction Easement Extension Request June 20, 2014 – (b)(6)

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

West LA Flyover Temporary Construction Easement dated October 28, 2011  
Full Release

REQUEST FOR PRODUCTION NO. 7: All finalized or draft versions of contracts, cooperative agreements, or other agreements between YOU and any PERSON RELATING TO the I-405 PROJECT, including agreements with private land owners, agreements with UTILITY owners or operators, agreements with local governments, LACMTA, CALTRANS, or any engineer, architect, consultant, sub consultant, or any other PERSON regarding the same.

Executed Memorandum of Understanding dated August 26, 2011 – (b)(5), (b)(6), (b)(7)(F)

GSA has redacted information related to “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” This information is considered pre-decisional information that is exempt from disclosure under FOIA Exemption (b)(5).

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to

circumvent measures established for the security and the safety of the occupants of the building and members of the public.

RIM Architects Contract dated August 28, 2008 – (b)(4), (b)(6)

GSA has redacted information related to Tax Identification or Account Information under Exemption 4, which protects confidential commercial and financial information

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

APSI Construction Management Contract dated January 3, 2012 – (b)(4), (b)(6)

GSA has redacted information related to Tax Identification or Account Information under Exemption 4, which protects confidential commercial and financial information

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

The Askia Group Contract dated March 16, 2012 – (b)(4), (b)(6), (b)(7)(F)

GSA has redacted information related to Tax Identification or Account Information under Exemption 4, which protects confidential commercial and financial information

GSA has redacted personally identifiable data in the form of Signatures under Exemption (b)(6) because their inclusion would constitute an unwarranted invasion of personal privacy.

GSA has redacted agency names and references to security measures pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

Excluded Records

GSA has excluded certain records from release under FOIA, as noted below:

REQUEST FOR PRODUCTION NO. 4: All DOCUMENTS RELATING TO the conceptual planning for, planning for, development of, preliminary design of, design of, funding of, permits or approvals for, approval of, programming of, procurement of, or construction of the I-405 PROJECT.

GSA has withheld records related to pre-decisional internal discussions regarding a Memorandum of Understanding and Permanent Easement. These records are withheld under FOIA Exemption 5, which permits the withholding of pre-decisional and deliberative material, the release of which could cause “injury to the quality of agency decisions” and compromise the “decision making processes of government agencies.” 5 U.S.C. § 552(b)(5).



GSA has withheld diagrams and maps pursuant to FOIA Exemption (b)(7)(F), which permits an agency to withhold records or information compiled for law enforcement purposes, including crime prevention and security measures. The disclosure of this information could enable members of the public to circumvent measures established for the security and the safety of the occupants of the building and members of the public.

REQUEST FOR PRODUCTION NO. 6: All DOCUMENTS RELATING TO the right-of-way for the I-405 PROJECT, including any DOCUMENTS RELATING TO discussion, planning, negotiation and/or execution of any parcel access, parcel acquisition, right-of-way access, right-of-way acquisition, easement access, easement acquisition, and time for delivery of access to the right-of-way to KIEWIT for the I-405 PROJECT.

GSA has withheld records related to pre-decisional internal discussions regarding a Memorandum of Understanding and Permanent Easement. These records are withheld under FOIA Exemption 5, which permits the withholding of pre-decisional and deliberative material, the release of which could cause "injury to the quality of agency decisions" and compromise the "decision making processes of government agencies." 5 U.S.C. § 552(b)(5).

You have the right to appeal the partial denial of the information withheld. To do so, you must write, within 120 days of your receipt of this letter, to the following address:

Freedom of Information Act Office (H1C)  
U.S. General Services Administration  
1800 F Street, NW, Room 7308  
Washington, DC 20405-0001

Your appeal must be in writing and contain a brief statement of the reasons why the withheld information should be released. Enclose a copy of your initial request and a copy of this letter. Both the appeal letter and envelope should be marked prominently "Freedom of Information Act Appeal."

This completes our action on this request. Should you have any questions concerning this matter, please contact Rebecca Martinez at (213) 330-2778 or email to [rebecca.martinez@gsa.gov](mailto:rebecca.martinez@gsa.gov).

Sincerely,

*Travis Lewis*

Travis Lewis  
FOIA Program Manager

Enclosures